

STATE OF MINNESOTA

COUNTY OF HENNEPIN

FILED

DISTRICT COURT

07 SEP 17 AM 11:13

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

Larry Edwin Craig,

Defendant.

Case No. 27-CR-07-043231

REQUEST FOR LEAVE TO FILE
MEMORANDUM OF LAW OF
AMICI CURIAE AMERICAN
CIVIL LIBERTIES UNION AND
AMERICAN CIVIL LIBERTIES
UNION OF MINNESOTA IN
SUPPORT OF DEFENDANT

Amici Curiae American Civil Liberties Union (ACLU) and American Civil Liberties Union of Minnesota (ACLU of Minnesota) respectfully request leave to file the accompanying proposed memorandum of law in support of Defendant. In support of their request Amici Curiae state as follows:

1. The ACLU is a nationwide, nonprofit, nonpartisan organization with over 500,000 members, and the ACLU of Minnesota is its Minnesota affiliate with over 10,000 members in the State of Minnesota. Their members share a commitment to the defense of the rights that are guaranteed by the United States Constitution. Among the most fundamental of these rights are the right to due process and the right to free expression. The ACLU and the ACLU of Minnesota regularly appear in cases involving these constitutional rights.

2. This case presents two important questions of constitutional law which this Court should carefully consider as it decides Defendant's motion to withdraw his plea. First, may the government enforce a criminal proscription of any "offensive . . . conduct or . . . language tending reasonably to arouse alarm, anger, or resentment in others," Minn. Stat. § 609.72(1)(3), in a manner that unnecessarily risks ensnarement of those who engage in constitutionally


protected speech? Second, may the government convict a defendant for engaging in “offensive . . . conduct or . . . language tending reasonably to arouse alarm, anger, or resentment in others,” *id.*, where the evidence does not prove beyond a reasonable doubt that the defendant engaged in constitutionally unprotected speech? Amici Curiae respectfully submit that they are well-positioned to assist the Court in answering these important questions.

3. The outcome of this case will have a broader impact on the constitutional rights of other individuals facing prosecution under Minn. Stat. §609.72(1)(3). The Applicant’s interest is, therefore, public.

For the foregoing reasons, Amici Curiae respectfully request that this Court grant this request for leave to file the accompanying proposed memorandum of law in support of Defendant.

September 17, 2007.

Respectfully submitted,



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